

**Congressman Peter J. Roskam****Chief Deputy Whip
Illinois' 6th Congressional District****The District Office
2700 International Drive, Suite 304
West Chicago IL 60185****Phone: 630-232-0006****Fax: 630-232-7393****To:** Congressional Unit
Fax: 703-614-7089**Date:** 5-28-14**From:**

(b) (6)

05-29-14 07:15

Number of Pages Including Cover Page15**Comments**Please call with any questions, thanks!I have enclosed the documents (b) (6) said were
submitted to the BCNR for reconsideration.

PETER J. ROSKAM

5TH DISTRICT, ILLINOIS

CHIEF DEPUTY WHIP

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEES:

TRADE

HEALTH



Congress of the United States
House of Representatives
Washington, DC 20515-1306

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May 28, 2014

(b) (6)

Director, House Liaison Office
Department of the Navy
B-324 Rayburn House Office Building
US House of Representatives
Washington, DC 20515-0001

Dear (b) (6)

My constituent, Mr. (b) (6) has requested my office to make an inquiry regarding the status of their reconsideration at the BCNR.

I would greatly appreciate any information you are able to provide. If you have any further questions or need clarification please contact my staff member, (b) (6) at 630-232-0006. Thank you for your time and attention.

Very truly yours,

Peter J. Roskam
Chief Deputy Whip
Member of Congress

PJR/rp

Your signature on this document is required for assistance

Privacy Release Form

Congressman Peter Roskam, 6th Congressional District, IL

Name (b) (6) January 13, 2014
Street _____
City _____
Home _____
Date _____
Veterans Claim Number (if applies) _____
Military Identification Number (if applies) _____
Other numbers identifying my case (if applies) _____
Federal Agency involved _____
Types of benefits I am seeking _____
Date and Place claim was filed _____

Information obtained regarding my case may be shared with the following individuals:

Name US Military Relationship Former Employer
Name _____ Relationship _____

Under the Privacy Act of 1974, Federal Agencies are prohibited from releasing any information regarding an individual without written consent. Therefore, I, (b) (6), hereby authorize Congressman Peter J. Roskam and his staff to make inquiries into my records from whoever necessary to receive and share info (b) (6) regarding my inquiry.

Signature (b) (6) Date January 13th, 2014

Please mail or fax this completed form, a letter explaining the situation and desired resolution, and copies of any relevant documentation to:

Congressman Peter Roskam
2700 International Drive, Suite 304
West Chicago, IL 60185
F: (630) 232-7393

This letter is to notify our intent to dispute the validity and decision made to the previous application, Docket No: 980-14. Due to the fact that we disagree with the decision handed by BCNR on the grounds that Jesus (b) (6) was seen by a certified clinical military psychiatrist and properly diagnosed with adjustment Disorder/personality disorder and properly processed while serving in the US Navy on the USS Boxer LHD4, Mr. (b) (6) has seen multiple psychiatrists and has been given neuropsychological evaluations and has been cleared by all to have had no signs of a personality disorder and adjustment disorders. Certified clinical psychiatrist have reviewed the documentation provided by the Navy and Mr. (b) (6) Service and medical records and have come to the conclusion that Mr. (b) (6) might have been misdiagnosed with Adjustment Disorder and Personality Disorder due to the traumatic news he heard about his mother.

Also, we have made numerous attempts to have the Command in which Mr. (b) (6) served, send us copies of the records they have not only showing but proving that a certified clinical psychologist of the fleet met with Mr. (b) (6). Emails were exchanged by (b) (6) and Mr. (b) (6) in which he makes a statement not only proving but providing a credible piece of evidence that Mr. (b) (6) was not seen on the USS Boxer. He states that there are no records of Mr. (b) (6) being seen by a clinical psychologist in his time on the USS Boxer. His statement not only shows but proves a case of injustice and error on the behalf of his former command and the United States Navy. Per (b) (6) he was going to send the information to the legal department and also share it with (b) (6) in which Master Chief Berry went on to ignore. Such behavior and the statement made by (b) (6) that Mr. (b) (6) was not seen on the USS Boxer only raises questions on the validity and credibility of their so called psychological evaluation and their findings in which clearly violate DoD regulations.

The DoD Directive states that:

"separation on the basis of a personality disorder is authorized only if a diagnosis by a psychiatrist or psychologist, completed in accordance with procedures established by the military Department concerned, concludes that the disorder is so severe that the member's ability to function effectively in the military environment is significantly impaired." (Enc. 3, Part E3.A1.1.3.4.8.3)

Under this requirement, an opinion about severity and interference must be made by a military psychiatrist or psychologist. A commander's conclusion that the condition is so severe that it interferes with duty is insufficient, and in fact is not required in the Directive. A psychiatrist's opinion that a personality disorder is severe should not require discharge unless he or she finds that this severity causes interference with performance. These points are sometimes lost on military psychiatrists and commands.

Furthermore, the chain of command in which Mr. (b) (6) served was notified of the situation back home and were able to verify the matter. (b) (6) whom was in charge of the division in which Mr. (b) (6) was assigned to was able to communicate and confirm with Doctors at Thorek Hospital in Chicago. After receiving confirmation Mr. (b) (6) was encouraged to ask for leave which was approved by (b) (6). After requesting approval from the DIVO, (b) (6) (b) (6) and Mr. (b) (6) were denied the leave request. Mr. (b) (6) was compliant with his Chain of Commands requests to only speak to the Ships Chaplain if he felt he needed someone to speak to. Mr. (b) (6) did speak to the chaplain and made clear his intentions were to take leave and remain in the Navy on active duty. After speaking with the chaplain and denied leave, Mr. (b) (6) consulted with his chain of command and request open mast which was granted. Before Mr. (b) (6) met with the Commanding Officer of the USS Boxer, Mr. (b) (6) met to consult with (b) (6). In that meeting Mr. (b) (6) again emphasized his intentions to fulfill his contract but was just requesting leave. (b) (6) (b) (6) advised Mr. (b) (6) that the Commanding Officer would be looking to discharge him and not approve leave. Mr. (b) (6) understood and went on to carry on the scheduled meeting with the Commanding officer of the USS Boxer, (b) (6). In that meeting (b) (6) was advised of the intentions by Mr. (b) (6). His intentions included, fulfilling his contract to the Navy but to also request leave to make sure everything was well back home. (b) (6) advised Mr. (b) (6) that he would consider his request and would give a final determination in a few days. After his last attempt in request of leave was denied, Mr. (b) (6) as a result then felt as he had no other choice but to request separation which was granted.

Mr. (b) (6) was separated despite his requests to want to honor his contract to the Navy and was given an unjustifiable and unfair discharge code of RE4 linked with a personality Disorder/Adjustment Disorder. Due to the evidence provided in his service record, lack of proof from his chain of Command and the Navy along with a

substantial and credible piece of evidence provided by (b) (6) Balboa Naval Hospital and our office to include, results from a clinical certified Psychologists, results from his neuropsychological test, and results to from a Certified Psychiatrist, we request that the RE4 be removed from his service record.

Mr. (b) (6) never suffered from any Adjustment Disorders/Personality Disorder. He on the contrary, successfully completed his boot camp without any negative marks. He then went on to ABH-A school in Pensacola, Florida where he also successfully completed his training with exceptional marks and was named Division leader by his instructors for his exceptional leadership, commitment and behavior. Mr. (b) (6) was given a certificate praising his excellent work ethic, dedication and leadership to the Navy and his shipmates. Those clearly are not accomplishments that can be obtained by someone who was labeled as someone with an adjustment disorder /personality disorder. Mr. (b) (6) had clearly adjusted to life in the military and was suitable for service in the armed forces. Upon completing his ABH training, Mr. (b) (6) was transferred to the command of his choosing thanks to his exceptional leadership while in ABH-A school. Mr. (b) (6) chose the USS Boxer out San Diego, California. Mr. (b) (6) reported 24 hrs earlier than scheduled and was eager to get his naval career underway on the ship USS Boxer. While in San Diego, Mr. (b) (6) continued his positive work ethic while awaiting transfer to the ship that was currently on a deployment. Once Mr. (b) (6) received his orders to the USS Boxer, he was flown to the Middle East to meet with the ship in Bahrain.

While on the USS Boxer, Mr. (b) (6) completed his daily tasks with no negative marks or any negative attitude. Approximately three months later Mr. (b) (6) mother was involved in a single car accident and was notified by his father when Mr. (b) (6) called home. Mr. (b) (6) mentioned the matter to his chain of command to make them aware of the situation. Once back at the ship is when Mr. (b) (6) spoke to his superiors and requested leave. This is when the assumptions by USS Boxer Personnel began and consequently led to Mr. (b) (6) being wrongly discharged and unjustifiably given a personality Disorder/Adjustment Disorder and given the RE4 code.

Based on all the credible evidence provided to BCNR to include medical clearance from multiple certified psychologists, Mr. (b) (6) in service success and accomplishments along with the most important and credible piece of evidence, the email of admission from the (b) (6) (b) (6) that Mr. (b) (6) was not seen by a psychologist while on the USS Boxer, we emphatically and respectfully request the removal of the RE4 and upgrade of Mr. (b) (6) service record. The Command Master

Chief agrees that Mr. (b) (6) should have been seen by a psychologist before being given the RE4 and that perhaps he could have been seen outside of the USS Boxer at Balboa. We have contacted Balboa and verified that he was not seen there. The contact information and email is also attached. That statement made by the Command Master Chief of the USS Boxer and the statement given by Health Systems Specialist, Case Supervisor (b) (6) not only shows but proves that not only was he (Mr. (b) (6)) was not seen by a certified psychologist on the USS Boxer or at Balboa. Those statements only prove that Mr. (b) (6) was improperly and unjustly discharged.

In conclusion, we respectfully and emphatically request BCNR to change and upgrade Mr. Santiago's RE4 code and upgrade his service record due to the substantial creditable evidence provided to you. This is a clear and obvious case of injustice and inequity and relief is to be granted by law to Mr. (b) (6)

Respectfully,

The Law Center, P.C.

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ABHAN (2)

centromy.com/centralblackberry/smartphone

Original Message
 From: [REDACTED]
 Date: Thu, 18 Nov 2010 15:02:46
 To: [REDACTED]
 Subject: RE: ABHAN

[REDACTED] is still onboard and I will forward your e-mail to him to look into. We have no records of you being seen by someone on BOXER so you were not seen here. However, I would have to think that you were seen by someone, maybe not on board BOXER, but a professional on the outside or at Balboa perhaps, in order to have been issued an RE-4 code. Are you missing some details here?

R/
CMC

Original Message
 From: js [REDACTED]@yahoo.com]
 Sent: Thursday, November 18, 2010 12:26 PM
 To: [REDACTED]
 Subject: Re: ABHAN

Thanks for responding. My name is [REDACTED] was

ABIAN (2)

Original Message: [REDACTED] (b) (6) yahoo.com

Sent: Thursday, November 18, 2010 12:26 PM

Subject: Re: ABHAN

Thanks for responding. My name is [REDACTED] (b) (6) was under this command in 2006-07 under [REDACTED] (b) (6) whom is now retired. I was in the air department working in the hangar bay.

Back then I had an family emergency back home and was denied leave. I brought the issue up to my chain of command and through the proper channels to no avail. I'm trying to get back in the Navy with the Navy reserves but I was given and RE-4 with a Personality Disorder. The issue here is that I was never seen by a psychologist on the Boxer to have been given that. MEPS has asked for some sort of letter from my command stating that I do not have that problem. I've tried contacting my chief at that time (Chief Carneola) and the CMC at the time Master Chief [REDACTED]. I was wondering if you or anyone can help me with this matter. I appreciate your time and I look forward to hearing from you.

Original Manuscript

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Subject: RF. ABHAN

Cont. AL-119 30404 ES DM

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ABHAN (2)

---Original Message---

From: [REDACTED]@yahoo.com]
 Sent: Thursday, November 18, 2010 3:29 PM
 To: [REDACTED]
 Subject: Re: ABHAN

Thanks and to answer your question, No I never saw a psychologist anywhere. I requested open Captains Mast and was given an ultimatum. Deal with it until we get back or go home for good. I wasn't aware of the RE4 until I got back to San Diego. By that time I was told it was too late to fight it. I never said I wanted to get out. All I had asked for was a leave of absence but was denied by the DIVO. That's when it was recommended by my Chief to request open Mast if the situation was that serious back home. Never did I see a doctor. The persons whom I spoke with about my issues were the Chaplain and my Chief. Sent from my U.S. Cellular BlackBerry(r) smartphone

---Original Message---

From: [REDACTED]
 Date: Thu, 18 Nov 2010 15:02:46
 To: <[REDACTED]@com>
 Subject: RE: ABHAN

April 8, 2014

Re: (b) (6)

To Whom It May Concern,

(b) (6) has been under my care since September 12, 2013. He regularly attends appointments in my office on a monthly basis. He has been compliant with treatment and appointments. Mr. (b) (6) has undergone neuropsychological testing and re-testing, which did not support any Axis I or Axis II diagnoses. It is in my opinion that Mr. (b) (6) does not display any valid Axis I or Axis II diagnoses including Adjustment Disorders Spectrum of Disorders as well as personality traits or disorders. He may have been misdiagnosed with Personality Disorder NOS as well as Adjustment Disorder Spectrum of Disorders due to trauma he was experiencing at the time. However, currently, the patient does not display any signs or symptoms of Adjustment Disorders or Personality Disorders. Mr. (b) (6) appears fit to pursue his career goals in law enforcement. In conclusion, I disagree with previous Axis I and Axis II diagnoses due to my testing and observations.

Feel free to contact my office at (b) (6) if you have any questions.

(b) (6)

(b) (6)



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(b) (6)



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(b) (6)

UNITED STATES NAVY

for service as set forth in the following

CITATION

For professional achievement in the superior performance of his duties as Assistant Class Leader, ABH(A1) School, Class #06380, Air Training Department, Naval Air Technical Training Center, Pensacola, Florida from 7 September to 29 September 2006. Airman (b) (6) consistently performed his duties in an exemplary and highly professional manner earning him the respect of his classmates and the "AB" School Staff. As Assistant Class Leader he showed the initiative, mature judgment and cooperative attitude required to carry out the responsibilities of this important assignment. Airman (b) (6) exceptional professionalism and selfless devotion to duty reflected credit upon himself and were in keeping with the highest traditions of the United States Naval Service.

(b) (6)

Captain, U.S. Navy